

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

COLORNET PRINTING AND GRAPHICS, )  
INC. )  
                                       )  
                                       )  
*Plaintiff,*                     )  
                                       ) Civil Action No. 1:13-cv-00490 AJT/TCB  
vs.                                 )  
                                       )  
                                       )  
DAVID O. NESTOR, *et al.*,     )  
                                       )  
*Defendants.*                     )

**PLAINTIFF'S RULE 26(a)(3) PRETRIAL DISCLOSURE STATEMENT**

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and the Court's Order entered May 16, 2013, Plaintiff ColorNet Printing and Graphics, Inc. ("ColorNet") makes the following pretrial disclosures. ColorNet reserves its right to supplement and amend these lists in light of any order regarding the scope of the trial or in light of any information submitted by Defendants as part of their pretrial filings or otherwise, or arising from any documents Defendants have produced or may produce following the conclusion of the fact discovery period.

**I.       WITNESSES WHOM DEFENDANTS EXPECT TO CALL.**

In accordance with Rule 26(a)(3)(A)(i), hereby submits its list of witnesses for the trial yet to be scheduled between ColorNet and Defendants David O. Nestor and Good Printers, Inc. ("Defendants"). ColorNet has not listed witnesses whom it may need for impeachment or rebuttal purposes. ColorNet also reserves the right to call or solicit testimony from any witness that appears on Defendants' witness lists. ColorNet understands Defendants have the addresses and telephone numbers of all witnesses named below. However, should Defendants require additional contact information, Defendants may contact undersigned counsel. In alphabetical

order, the witnesses that ColorNet expects to present at trial as part of its case in chief, and the witnesses that ColorNet may call if the need arises, are as follows:

<u>Fact Witness Name</u>	<u>Will Call</u>	<u>May Call</u>
Capitol Building Supply, Inc.		<b>X</b>
ColorNet Printing and Graphics, Inc.	<b>X</b>	
Department of Commerce Federal Credit Union		<b>X</b>
Good Printers, Inc. (through its representative, Michael Fornadel)	<b>X</b>	
Electronic Merchant Systems, Inc.	<b>X</b>	
Steve Elliott		<b>X</b>
Mary Lucas		<b>X</b>
Paul Lucas		<b>X</b>
Library of Congress Federal Credit Union		<b>X</b>
Maggpie Communications, Inc. (through its representative, Shari Connealy)		<b>X</b>
David Nestor	<b>X</b>	
<u>Expert Witness Name</u>		
G. Thorn McDaniel, III	<b>X</b>	

**II. WITNESSES WHOSE TESTIMONY DEFENDANTS EXPECT TO PRESENT BY DEPOSITION.**

In accordance with Rule 26(a)(3)(A)(ii), ColorNet may present the testimony of Clear Choice Federal Credit Union by deposition (recorded by video and stenographer), as referenced by the following page and line numbers of the transcripts:

8:2 to 9:6  
10:11 to 10:14  
22:2 to 23:12

23:19 to 25:5  
25:18 to 26:17  
28:10 to 28:16  
29:2 to 29:15  
31:2 to 31:13  
31:17 to 31:20  
32:2 to 32:8  
32:22 to 34:16  
34:19 to 35:7  
35:9 [beginning with “does”] to 35:13  
35:16 to 35:19  
36:5 to 36:14  
44:17 to 45:21  
48:3 [beginning with “what”] to 48:9  
49:14 to 50:6 [ending with “vendor”]  
50:9 to 50:12  
51:6 to 54:8  
55:6 [beginning with “Ms.”] to 56:16  
56:21 [beginning with “Ms.”]  
58:21 to 59:7  
59:21 to 60:7  
60:13 to 60:15  
65:10 to 65:12  
65:21 to 66:4  
66:7 to 67:2  
67:7 to 67:18  
68:9 [beginning with “What”] to 68:21  
69:6 [beginning with “Do”] to 69:9  
72:11 to 72:20  
73:2 to 73:5  
75:18 to 75:22  
76: 5  
76:9  
76:11 to 77:7  
78:15 to 79:6  
79:10 to 80:1  
83:18 [beginning with “Do”] to 84:5  
90:21 [beginning with “when”] to 91:15 [ending with “designers”]  
91:20 to 91:21

### **III. EXHIBITS DEFENDANTS EXPECT TO USE AT TRIAL.**

In accordance with Rule 26(a)(3)(A)(iii), attached hereto and incorporated by reference  
herein as Exhibit A is a list of exhibits ColorNet expects to offer at trial. ColorNet reserves the right

to use demonstrative exhibits not listed in Exhibit A during trial. In addition, ColorNet reserves the right to use any exhibit identified in Defendants' Rule 26(a)(3) disclosures, or otherwise identified or offered by Defendants. It further reserves the right to offer any document or transcript designed to impeach or rebut the testimony of Defendants or any of Defendants' witnesses and to supplement this response as necessary.

Dated: October 16, 2013

Respectfully submitted,

**SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.**

By: /s/ Gregory D. Grant  
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*Counsel for Plaintiff  
ColorNet Printing and Graphics, Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that, on this 16th day of October 2013, I will electronically file the foregoing Plaintiff's Rule 26(a)(3) Pretrial Disclosure Statement with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following persons:

Kevin M. Rose, Esq.  
3190 Peoples Drive  
Harrisonburg, VA 22801  
[krose@botkinrose.com](mailto:krose@botkinrose.com)

/s/ Gregory D. Grant  
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*Counsel for Plaintiff  
ColorNet Printing and Graphics, Inc.*

**EXHIBIT A to Plaintiff's Rule 26(a)(3) Pretrial Disclosure Statement:  
Plaintiff's Proposed Trial Exhibits**

<b>Deposition Exhibit</b>	<b>Subject/Description</b>	<b>Bates Number</b>
	Nestor's Resignation Letter	CN_0020
	6/1/2011 email re: Jim Pizzo	CN_0998
03	09/12/2013 email	
05	03/07/2013 email	
06	06/19/2013 email	DN3746- DN3747
07	07/02/2013 email	DN4198- DN4199
08	02/11/2013 email	DN471
09	Phone bill 01/29/2013 to 02/28/2019	
10	03/12/2013 email	DN58
11	03/15/2013 email	DN2260
12	04/05/2013 email	KC168
13	05/10/1013 email	
14	03/07/2013 email	DN91
20	04/10/2013 email	
22	04/29/2013 email	
24	05/01/2013 email	DN2734- 2735
27	03/25/2013 email	
29	04/10/2013 email	
33	03/27/2013 email	DN1784- DN1785
34	05/22/13 email	PAG72- PAG-73
37	03/03/13 email	
39	08/08/13 email	PAG315
44	02/27/2013 email	
61	Confidentiality Agreement between ColorNet and David Nestor dated 10/28/2005; Exhibit A to Complaint	
65	02/08/2013 email	DN466
66	07/24/2013 email	DN4062- DN4063
67	03/06/2013 email	DN602
68	02/04/2013 email	
73	02/15/2013 email	
74	02/25/2013 email	DN538
75	02/27/2013 email	
76	02/27/2013 email	

77	03/12/2013 email	
80	03/15/2013 email	
82	03/11/2013 email	DN52
85	02/20/2013 email	
88	02/07/2013 email	
91	1/18/13 email	
92	2/8/13 email	DN468
93	2/8/13 email	DN469
95	2/23/13 email	DN529
96	2/23/13 email	DN526
97	2/22/13 email	CN_0156 – CN_0158
98	3/1/13 email	CN_0898
100	3/1/13 email	
101	9/17/13 email	
102	4/19/13 email	
103	4/19/13 email	
107	7/18/13 email	
109	9/30/13 email	
112	03/05/2013 email	DN2544
141	06/04/2013 email	DN3740- DN3741
145	07/23/2013 email	DN2884
146	05/29/2013 Vendor Request Form	
147	05/08/2013 email	ACS2963
152	03/21/2013 email	PL6 – PL9
153	03/05/2013 email	DN2542
157	02/28/2013 email	DN670
158	03/07/2013 email	DN129
159	03/21/2013 invoice from Good Printers to EMS	
174	02/27/2013 email	
175	03/06/2013 email	DN2546
176	03/07/2013 email	DN1507- DN1508
177	03/13/2013 email	DN2083- DN2085
178	Good Printers Invoice 140096	
182	03/07/13 email	DN1509- DN1510
191	02/27/13 email	
192	03/04/13 email	DN247
193	03/04/13 email	DN656
194	03/04/13 email	DN652
195	03/07/13 email	DN291

200	01/21/13 email	
201	03/18/13 email	
202	02/27/13 email	
208	02/27/13 email	CN_0882 - CN_0886
210	03/05/13 email	DN2547
212	03/29/13 email	DN2126 - DN2128
215	02/28/13 email	
216	03/01/13 email	
223	03/05/13 email	DN2543
229	02/28/13 email	
230	04/01/13 email	DN615
235	03/29/13 email	
247	02/28/13 email	CN_0129
248	Good Printers Payroll	DN5128- DN51249
252	03/4/13 email	DN251
254	03/05/13 email	DN435
255	02/28/13 email	CN_0887- CN_0888
256	03/06/13 email	DN645
257	02/23/13 email	CN_0996
258	02/25/13 email	CN_0147
259	02/27/13 email	DN567
260	03/02/13 email	CN_0997
261	02/26/13 email	DN545
262	07/9/13 email	CN_0926 – CN_0935
263	06/11/13 email	DN4164
264	02/27/13 email	DN561
265	02/28/13 email	CN_0895- CN_0897
267	05/28/13 email	DN2433
268	07/08/13 email	DN2871
269	06/14/13 email	DN4094 – DN4095
270	10/7/13 email	
271	03/20/13 email	DN1958
273	04/01/13 email	DN2105 – DN2107
274	EMS telephone recordings data	
278	Print Order	
279	ProAg Invoice	
280	03/5/13 email	DN424

281	03/5/13 email	
282	03/5/13 email	DN423
283	Select Customers – Total 2013 Job Sales through 9/30/13 (10/9/13) (as updated through trial)	GP799 – GP815
284	Select Customers – Total 2013 Job Sales through 9/30/13 (10/8/13) (as updated through trial)	GP798
285	03/05/13 email	DN1801
287	03/06/13 email	Maggie 0040 - 0041